

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:15-cr-00020-BO

FILED IN OPEN COURT
ON 4/25/2017 ^{CD}
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA :
:
v. :
:
DAVON KELLY BENNETT :
:

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the guilty verdict entered against the defendant on October 20, 2016 and other evidence before the Court, the Court finds that the following property is hereby forfeitable pursuant to 21 U.S.C. § 853 or 18 U.S.C. § 924(d)(1), the latter made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), to wit:

Real Property:

a. Real property having the physical address of 1300 Brothers Lane, Elizabeth City, North Carolina 27908 including any and all appurtenances and improvements thereto, being legally described in deed book 1158, page 208 of the Pasquotank County Registry, North Carolina; and any and all proceeds from the sale of the property.

Personal Property:

b. One 2006 Acura Sedan, VIN: 19UUA66236A005580;
c. One 2007 Chevrolet Silverado truck, VIN:

1GCEC19C87Z573217;

- d. One 2008 Infiniti G37 Coupe, VIN: JNKCV64E68M118130;
- e. One Smith & Wesson .40 pistol, serial number: DVJ8386
- f. One Hi Point 9mm rifle, serial number B00833;
- g. One Hi Point 9mm magazine and related ammunition;
- h. One Calico Liberty 50 9mm rifle, serial number: B003055;
- i. One Taurus .38 caliber revolver, serial number: NA56109;
- j. Any and all ammunition;
- k. United States Currency in the amount of \$1,000,000, representing gross proceeds of the offence set forth in Count One;

WHEREAS, by virtue of the guilty verdict and the other evidence before the Court, the United States is now entitled to a personal money judgment against the defendant for \$1,000,000 and possession of said real and personal property pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d)(1), and Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Guilty Verdict as to the defendant and other evidence before the Court as to defendant Davon Kelly Bennett, the United States is hereby authorized to seize the above-stated real and personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as

allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. Based upon the defendant's guilty verdict and other evidence before the Court, the above-listed \$1,000,000 in U.S. Currency is forfeited to the United States for disposition in accordance with the law, and JUDGMENT is entered for \$1,000,000 against the defendant;

3. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

4. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty

of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

5. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d)(1), and 28 U.S.C. § 2461(c), as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED. This 25 day of April, 2017.

Terrence W. Boyle
TERRENCE W. BOYLE
United States District Judge